

Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (Basic Instrument for the Northwest Atlantic Fisheries Organization – NAFO)

Basic Instrument

[Convention](#) on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (entered into force January 1, 1979)

Implementing Legislation

Northwest Atlantic Fisheries Convention [Act](#) of 1995 (Title II of P.L.104-43)

Member Nations

Current members of NAFO include: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, the Russian Federation, Ukraine, and the United States. The United States acceded to the Convention on November 29, 1995, and participated for the first time as a Contracting Party at the 1996 Annual Meeting (the United States attended earlier annual meetings as an observer).

Commission Headquarters

Executive Secretary:

Mr. Fred Kingston
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Budget

NAFO adopted a 2015 budget of \$1,981,000 CDN (approximately US\$1,587,710). The preliminary US assessment for 2015 will be \$256,949 CND (approximately US\$205,936).

U.S. Representation

A. The Appointment Process:

The Northwest Atlantic Fisheries Convention Act of 1995 provides that not more than three U.S. Commissioners and not more than three U.S. Representatives to the NAFO Scientific Council (see below) shall represent the United States in NAFO. Commissioners and Representatives are appointed by the Secretary of Commerce and serve at his pleasure. Each Commissioner and Representative is appointed for a term not to exceed 4 years, but is eligible for reappointment.

Of the three Commissioners, one (but no more than one) must be an official of the U.S. Government, at least one a representative of the commercial fishing industry, and one a voting (non-government employee) member of the New England Fishery Management Council. Commissioners must be knowledgeable and experienced concerning the fishery resources to which the NAFO Convention applies. Of the three U.S. Representatives to the NAFO Scientific Council, at least one must be an official of the U.S. Government. All Representatives must be knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

B. U.S. Representatives:

U.S. Commissioners:

Mr. John Bullard
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service, NOAA
55 Great Republic Drive
Gloucester, MA 10930-2298

Ms. Maggie Raymond
PO Box 287
South Berwick, ME 03908

Dr. Michael Sissenwine
39 Mill Pond Way
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Representative to the Scientific Council:

Ms. Katherine Sosebee
Resource Evaluation and Assessment Division
Northeast Fisheries Science Center
National Marine Fisheries Service, NOAA
166 Water Street
Woods Hole, MA 02543

C. Advisory Structure:

The Northwest Atlantic Fisheries Convention Act of 1995 further requires that the Secretaries of Commerce and State establish jointly a Consultative Committee of not more than 15 members to advise the Secretaries on issues related to the Convention. Each member of the Consultative Committee shall serve for a term of 2 years and shall be eligible for reappointment. The membership of the Committee shall consist of representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic.

Organizational Description

A. Mission/Purpose:

NAFO is the successor organization to the International Commission for the Northwest Atlantic Fisheries (ICNAF). Its mission is: (1) to provide for continued multilateral consultation and cooperation with respect to the study, appraisal, and exchange of scientific information and views relating to fisheries of the Convention Area and (2) to conserve and manage fishery resources of the NAFO Regulatory Area (NRA), i.e., that part of the Convention Area that lies beyond the areas in which coastal states exercise fisheries jurisdiction. The Convention Area is located within the waters of the Northwest Atlantic Ocean roughly north of 35° N latitude and west of 42° W latitude.

(Note: The Convention applies to all fishery resources of the Convention Area with the exception of: salmon, tunas, swordfish, and marlins; cetacean stocks managed by the International Whaling Commission or any successor organization; and sedentary species of the Continental Shelf.)

B. Structure:

NAFO currently consists of a General Council, Fisheries Commission, Scientific Council, a Secretariat, and six standing committees. The General Council provides executive guidance for the Secretariat and provides a forum for member nations' approval of programs and regulations. The Scientific Council provides a forum for the exchange of scientific information and views relating to the fisheries of the Convention Area; compiles, maintains, and publishes statistics pertaining to the fisheries, including environmental and ecological factors in the Convention Area; provides scientific advice to coastal states when requested to do so; and provides scientific advice to the NAFO Fisheries Commission. The Fisheries Commission is responsible for the management and conservation of the fishery resources of the Regulatory Area. The Standing Committees consider and make recommendations in the areas of (1) finance and administration; (2) inspection and control; (3) fishery science; (4) research coordination; (5) publications; and (6) fisheries environment.

On 28 September 2007, after a two-year process, NAFO adopted a number of significant amendments to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. These amendments included key changes that addressed broad membership concerns, such as the objection procedure and dispute settlement, as well as key U.S. concerns relating to the dues assessment procedure. The United States also obtained improved wording for authorizing trade measures in the case of IUU fishing and for entry into force of amendments to Convention annexes. Although U.S. efforts to broaden considerations relevant to allocations beyond fishing history were not successful, recent reopening of species previously under moratoria will likely keep the allocation issue in the spotlight. These adopted amendments constitute the first formal step towards a reformed NAFO Convention. The adopted amended text now must be ratified by at least three-fourths of NAFO Contracting Parties to become legally binding. To date, six NAFO Parties have ratified the amended Convention. The U.S. Senate has provided advice and consent to the amended Convention. Once the amended Convention is ratified by the United States, it will be necessary to amend the Northwest Atlantic Fisheries Convention Act of 1995, in order to ensure that the United States is able to fulfill its obligations under the amended Convention. Note that under the amended Convention, the functions of the General Council and Fisheries Commission are combined. Thus, the Organization shall consist of: a) the Commission; b) the Scientific Council; and c) the Secretariat. The functions of the current standing committees shall be re-organized to reflect this new structure and new rules of procedure will be adopted to ensure its effective implementation. More information on these activities can found on the NAFO website (<http://www.nafo.int>).

C. General Programs:

Species managed: The principal species managed by NAFO are cod, flounders, redfish, American plaice, Greenland halibut (turbot), capelin, hake, skates and shrimp. Occasionally, a significant squid fishery occurs in the Regulatory Area as well. Following decades of unregulated fishing by non-members; over-harvesting, under-reporting and fishing under formal objection by members, NAFO-imposed moratoria continue for 9 of the 20 NAFO-managed stocks in 2015. Details on current U.S. allocations from NAFO as well as fishing opportunities for other species (including yellowtail flounder resulting from a harvesting arrangement with Canada) are provided in the allocation section below.

Conservation and Management Measures: NAFO has established and maintained conservation and management measures in the NRA since 1979. In addition to adoption of annual total allowable catches (TACs) and, member nation quotas by species, NAFO also maintains and establishes: 1) general and fishery-specific conservation and management measures (e.g., bycatch, minimum size and gear requirements); 2) measures to prevent significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems; 3) control measures (e.g., fishing authorizations, vessel registry, and chartering requirements); 4) monitoring requirements (data recording and reporting, vessel monitoring system (VMS) and observer requirements). In addition, NAFO maintains: a scheme of joint international inspection and surveillance in the NRA; Port State measures; and a scheme to promote compliance by non-Contracting Parties (including a listing mechanism for tracking and sharing information on IUU fishing vessels). The full text of the current NAFO Conservation and Enforcement Measures (NAFO/FC Doc. 14/1) can be found on the NAFO website at: <http://www.nafo.int>.

D. Current Issues of Interest:

2014 Annual Meeting: The 36th Annual Meeting was held from 22 to 26 September 2014, in Vigo, Spain. Although some progress was made during this meeting on a number of key issues, the United States departed the meeting with considerable concerns regarding the transparency of the NAFO decision-making process as it relates allocations and the consistency of such decisions with the advice of the NAFO Scientific Council. Most notable in this regard were the decisions taken by the Organization with regard to reopening and allocating of NAFO Division 3NO witch flounder. While the Scientific Council advice for this stock noted the possibility of a limited fishery at or around current levels, the adopted TAC of 1000mt is approximately three times the levels harvested (through bycatch) in 2014. The United States considers this to be wholly inconsistent with the SC advice for this stock for 2015, and contrary to the precautionary approach and accepted principles of international fisheries management. Furthermore, subsequent negotiations concerning the allocation of this TAC excluded most NAFO Contracting Parties (including the United States -- a NAFO coastal State with a rich fishing history in the Northwest Atlantic Ocean). Although the United States had/has no intention of prosecuting a Div. 3NO witch flounder fishery in 2015, the lack of transparency and inclusiveness of these decisions led the United States to subsequently exercise its treaty right to submit a formal Objection to NAFO regarding the 2015 measures adopted for Div. 3NO witch flounder. This is the first time the United States has submitted a formal objection in any RFMO.

On the positive side, NAFO continues to make progress in implementing the 2011 recommendations of the NAFO Performance Review Panel and is preparing for another performance review to begin in 2015. The United States strongly supports the performance review process as a way to ensure that Regional Fisheries Management Organizations continue to progress and improve. NAFO also continues to make great strides in streamlining and improving the efficiency of its Secretariat, which is resulting in significant budgetary savings. While such savings are laudable, they must be balanced with the need to ensure that the Secretariat is capable of responding to the ever-increasing demands of the Contracting Parties and adequately supporting the scientific and management objectives of the Organization.

Forward progress (albeit increasingly challenging) also continues with regard to protection of vulnerable marine ecosystems, with NAFO agreeing to maintain all previously delineated seamount and existing sponge and coral closures (with a small adjustment to further protect sponges), and to closure of a new area to protect large gorgonian sponges as recommended by the Joint Fisheries Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management (WG-EAFFM). The United States supports further work to ensure protection for all VME areas identified by the Scientific Council. Two other key U.S. priorities within the WG-EAFFM are: 1) to ensure that adequate preparations are in place (both within NAFO bodies and among its Contracting Parties) for the NAFO assessment of bottom fisheries for 2016, as well as the 2015 UNGA review of Resolution 61/105; and 2) to ensure that the WG begins to actively address implementation of the NAFO EAFM Roadmap, as called for within the WG-EAFFM terms of reference. The United States was also generally pleased with the outcomes of the meeting with regard to other Standing Committee and Working Group recommendations.

U.S. Allocations for 2015: At the 2014 NAFO Annual Meeting, the United States received fish quota allocations for two NAFO stocks to be fished during 2015. These stocks were: Division 3M redfish (69 mt) and Subareas 3 & 4 *Illex* squid (453 mt). U.S. fishermen are also entitled to harvest, on a first-come-first-served basis, any allocation for which an "Others" category has been designated, provided there is not a country-specific allocation to the United States for that fishery. For 2015, "Others" category allocations available to U.S. fishermen include: Division 3NO white hake (59 mt); Division 3LNO skates (258 mt); Division 3M cod (55 mt), 3LN redfish (63 mt), Division 3NO witch flounder, and Division 3O redfish (100 mt). Fishing is halted by NAFO when the "Others" allocation for a particular stock has been fully harvested.

Yellowtail Flounder: In 2008, the United States and Canada entered into a 10-year arrangement through which Canada will transfer (upon request) 1000 mt of NAFO Div. 3LNO yellowtail flounder for use by U.S. vessels. At the request of both countries, this transfer is memorialized annually through a footnote in the NAFO Quota Table. Following the 2008 negotiations of the agreement, an exchange of letters took place to record the intent of the two parties to work cooperatively to obtain a permanent U.S. allocation of NAFO Div. 3LNO yellowtail flounder.

U.S. Fishing Activities: Since 2009, the United States has annually solicited expressions of interest from U.S. vessels to fish Div. 3LNO yellowtail flounder under the arrangement with Canada. Between 2009 and 2011, the United States received a number of expressions of interest in this fishing opportunity, but changes in the yellowtail flounder market, fuel prices, and other economic considerations made fishing operations on the Grand Banks

impossible for U.S. vessels. However, a U.S. vessel was able to successfully harvest yellowtail flounder under the arrangement during the 2012, 2013, and 2014 fishing seasons. This represents the first U.S. fishing activity for NAFO species in the NAFO Regulatory Area since the United States joined the Organization in 1995. It also represents a positive step toward establishing the case for a permanent U.S. allocation for this species from NAFO. In 2015, the United States once again received expressions of interest relative to yellowtail flounder and other NAFO species. Thus, it is likely that U.S. fishing activity in NAFO will continue.

Future Meetings

The 36th NAFO Annual Meeting will be held September 21-25, 2015, in Halifax, Nova Scotia, Canada.

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